

Claude Albert, Legislative Chair, Connecticut Council on Freedom of Information

In Opposition to Provisions of Raised Bill No. 1054, An Act Concerning the Disclosure of Autopsy Reports

Monday, February 28, 2011

Members of the Judiciary Committee:

My name is Claude Albert, and I am the legislative chair of the Connecticut Council on Freedom of Information, an organization committed to furthering government transparency and accountability. We oppose the proposed bill, An Act Concerning the Disclosure of Autopsy Reports.

The most undesirable public-policy consequence of the proposal is that it could limit public examination of the killing of a child that takes place while the victim is in state custody. Of course, any homicide is a profound tragedy for the victim and those close to the victim, but it is also an offense against society as a whole, and the public has a compelling interest in seeing that justice is done. That interest is compounded when the homicide takes place under the protective mantle of the state – a governmental failure of the most fundamental kind. The public should be allowed to fully inspect the performance of those who act in its name in such circumstances.

The bill also gives immediate rise to a number of questions. Could a parent who might be accused in the death of his or her child block public disclosure? Could the state block disclosure in the death of a ward that dies in state custody?

Current law already provides sweepingly broad exemptions to public disclosure of medical examiner findings. The only circumstance in which findings must be disclosed is for persons who die in state custody, a provision the legislature wisely adopted in 2002.

Otherwise disclosure is only permitted to those with a legitimate interest in a case, legal or scientific researchers (who must themselves protect the identity of the victim), and defense counsel for an accused involved in the case. Even in such cases, the medical examiner can go to court to prevent disclosure if he believes there is a compelling public interest in doing so.

We believe the present law already provides strong privacy protections, and we urge the legislature not to adopt the present bill.